

STATE OF NORTH CAROLINA
COUNTY OF WAKE

FILED

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

2019 MAR -5 P 4:50

In re:

SEARCH WARRANTS AND
RELATED DOCUMENTS SEALED IN
CONNECTION WITH THE
INVESTIGATION SBI CASE: 2018-
00619.

WAKE CO., C.S.O. UNOPPOSED
MOTION FOR LEAVE TO
INTERVENE AND TO VACATE
OR MODIFY SEALED
SEARCH WARRANTS AND
ATTENDANT COURT RECORDS

NOW COME Raycom Media Licensee, LLC d/b/a WBTV and WECT; Capitol Broadcasting Company, Incorporated d/b/a WRAL-TV; The News and Observer Publishing Company ("N&O") d/b/a *The News & Observer*; The Charlotte Observer Publishing Company d/b/a *The Charlotte Observer*; The Associated Press; Nexstar Broadcasting, Inc. d/b/a WNCN-TV CBS17; WTVD Television LLC; WUNC, LLC; WSOC Television, LLC; The New York Times; the *Tabor-Loris Tribune*; *The Washington Post*; and Spectrum NLP, LLC, through their undersigned attorneys, and respectfully move to intervene and move this honorable court to vacate the sealing order(s) dated 20 December 2018, and 22 January 2019, and others possibly existing, issued in connection with the investigation of Leslie McCrae Dowless ("the sealing orders"), and to grant the movants and the public access to the search warrants and all related documents, including but not limited to the application(s) for the warrants; any affidavits supporting the application(s); documents listing all items seized pursuant to the warrant(s); any motion(s) to seal records or proceedings in this matter; a transcript of any hearing related to the search warrants or sealing of the search warrants. This motion is made pursuant to North

Carolina Public Records Law, G.S. § 132-1 *et seq.*; G.S. § 7A-109; G.S. § 1A-1, Rule 24, the North Carolina Constitution, Article I, § 18; the First Amendment to the United States Constitution; and this court's Administrative Order dated 20 May 2000, concerning search warrants and investigative orders. In support of this motion the movants show unto the court the following:

1. Raycom Media Licensee, LLC d/b/a WBTV ("WBTV") is a subsidiary of Gray Television Group, Inc. which has its principal place of business is located in Charlotte, Mecklenburg County, North Carolina. WBTV covers news in Greater Charlotte and the surrounding areas of North Carolina and South Carolina and state-wide issues throughout North Carolina. WBTV also disseminates online coverage at www.wbtv.com.

2. Capitol Broadcasting Company, Incorporated ("Capitol Broadcasting") is a North Carolina corporation whose principal place of business is located in Raleigh, Wake County, North Carolina. Capitol Broadcasting is a diversified communications company which, among other things, owns and operates three television stations in North Carolina, including WRAL-TV in Raleigh which covers news in the Research Triangle and surrounding areas of Piedmont and Eastern North Carolina, including Wake County and its surrounds. Capitol Broadcasting also disseminates its news coverage online at www.wral.com.

3. The News and Observer Publishing Company ("N&O") is a North Carolina corporation that maintains its principal place of business in Raleigh, Wake County, North Carolina. Among other things, the company publishes *The News &*

Observer, a general interest newspaper that is published in Wake County and distributed throughout the surrounding area of North Carolina. The News & Observer also publishes an online edition at www.newsobserver.com.

4. The Charlotte Observer Publishing Company (the "*Charlotte Observer*") is a Delaware corporation that maintains its principal place of business in Mecklenburg County, North Carolina. Among other things, the company publishes *The Charlotte Observer*, a general interest newspaper that is published in Mecklenburg County and distributed throughout the surrounding areas of North Carolina and South Carolina. The Observer also publishes news online at www.charlotteobserver.com.

5. The Associated Press ("AP") is a news cooperative organized under the Not-for-Profit Corporation Law of New York, with more than 1,300 U.S. newspaper members. The AP's members and subscribers include the nation's newspapers, magazines, broadcasters, cable news services and Internet content providers. On any given day, AP's content can reach more than half of the world's population. AP has no parents, subsidiaries or affiliates that have any outstanding securities in the hands of the public. The AP's North Carolina bureau regularly covers news of interest in all 100 counties of North Carolina, including news about state government and public policy.

6. WNCN-TV is owned and operated by Nexstar Broadcasting, Inc. located at 545 E. John Carpenter Freeway Suite 700, Irving, TX 75062. The Federal Communications Commission Community of License is Goldsboro, North Carolina,

with principal place of business located at 1205 Front St, Raleigh, North Carolina 27609. WNCN, licensed to Virtual Channel 17, covers news in the Raleigh, Durham, and Fayetteville areas and its surrounds. WNCN also disseminates its news coverage online at www.cbs17.com.

7. WTVD Television, LLC ("WTVD") is a Delaware corporation with its principal place of business in Durham, North Carolina. It owns and operates the television station WTVD ABC 11 in Raleigh-Durham, North Carolina. WTVD gathers and disseminates news to the public, serving a twenty-three county viewing area in central and eastern North Carolina and disseminates its news coverage online at www.abc11.com.

8. WUNC, LLC, is a North Carolina not-for-profit corporation located in Orange County. WUNC operates North Carolina Public Radio, an affiliate of National Public Radio, at 91.5 FM from Chapel Hill; at 88.9 FM from Manteo; at 91.9 from Fayetteville; at 91.1 from Welcome; and at 90.9 FM from Rocky Mount. The station, which also streams online 24 hours a day, provides extensive national and local news coverage, including information about courts throughout North Carolina.

9. Raycom Media Licensee, LLC d/b/a WECT ("WECT") is a subsidiary of Gray Television Group, Inc. which has its principal place of business is located in Wilmington, New Hanover County, North Carolina. WECT covers news in Wilmington and the surrounding areas of North Carolina and South Carolina and

state-wide issues throughout North Carolina including North Carolina's 9th Congressional District. WECT also disseminates online coverage at www.wect.com.

10. WSOC Television, LLC is a Delaware limited liability company that is authorized by the North Carolina Secretary of State to do business within the state and has its principal place of business in Atlanta, Georgia. WSOC-TV covers news in Greater Charlotte and the surrounding areas of North Carolina and South Carolina, and state-wide issues throughout North Carolina. WSOC-TV also disseminates online coverage at www.wsoc.tv.

11. The New York Times Company is the publisher of The New York Times and The International New York Times, and operates the news websites www.nytimes.com and related properties.

12. The *Tabor-Loris Tribune* is a general circulation weekly newspaper located in Tabor City, Columbus County, North Carolina. It is owned by Atlantic Corp. of Wilmington. Tabor-Loris Tribune gathers and disseminates news to the public, focusing on southern Columbus County, North Carolina and northern Horry County, South Carolina. It also disseminates its news coverage online at www.tabor-loris.com.

13. The Washington Post (formally, WP Company LLC d/b/a The Washington Post) is a news organization based in Washington, D.C. It publishes *The Washington Post* newspaper and the website www.washingtonpost.com, and produces a variety of digital and mobile news applications. The Post has won 47

Pulitzer Prizes for journalism, including awards in 2018 for national and investigative reporting.

14. Spectrum NLP, LLC, a subsidiary of Charter Communications, Inc. ("Spectrum News") provides local programming in its Charlotte, Greensboro, Raleigh and Wilmington, N.C. service areas.

FACTUAL BACKGROUND

15. On or about 20 May 2000, then Senior Resident Superior Court Judge Donald W. Stephens and Chief District Court Judge Robert B. Rader entered an Administrative Order regarding search warrants and investigative orders after consultation with the District Attorney and Clerk of Superior Court. A true and accurate copy of the Administrative Order is attached as **Exhibit A**.

16. In February 2018, the North Carolina State Bureau of Investigation initiated a criminal investigation concerning allegation of possible ballot fraud in and around Bladen County, North Carolina, at the request of the Wake County District Attorney's Office.

17. In the course of that investigation, at least three search warrants have been obtained and executed.

18. Upon information and belief, the search warrants obtained and executed sought financial records held by the State Employees Credit Union and records held by Metro PCS pertaining to Leslie McCrae Dowless.

19. On or about 5 December 2018, the Wake County District Attorney N. Lorrin Freeman moved the court *ex parte* for an order sealing a search warrant for

financial records held by the State Employees Credit Union applied for and executed by the SBI on 5 December 2018. On or about 5 December 2018, Resident Superior Court Judge A. Graham Shirley signed an order sealing the warrant for a period of 30 days. Both the motion and order were filed with the Wake County Clerk of Superior Court on 20 December 2018. True and accurate copies of each are attached as **Exhibits B and C**.

20. Per the Administrative Order, the sealed warrant and related documents were entered into the log administered by the Wake County Clerk of Superior Court under the caption "Leslie McCrae Dowless." A true and accurate copy of the pertinent page of the log is attached as **Exhibit D**.

21. On or about 22 January 2019, the District Attorney moved the court *ex parte* for an order extending the sealing of the warrant described in paragraph 18 for an additional 60 days. A true and accurate copy of the motion is attached as **Exhibit E**. Resident Superior Court Judge Rebecca W. Holt entered an order extending the sealing of the warrant for an additional 60 days that same day. A true and accurate copy of the order is attached as **Exhibit F**.

22. Upon information and belief, the Clerk's log (**Exhibit D**) was updated to reflect 25 March 2019 as the expiration date of the extended sealing period.

23. Upon further information and belief, the SBI applied for and obtained a search warrant to obtain records in the custody and control of Metro PCS on or about 17 January 2019.

24. On or about 17 January 2019, the District Attorney moved the court *ex parte* for an order sealing a search warrant for records held by Metro PCS. On or about 17 January 2019, a Superior Court Judge signed an order sealing the warrant for a period of 90 days. Both the motion and order were filed with the Wake County Clerk of Superior Court on 14 February 2019. True and accurate copies of each are attached as **Exhibits G and H**.

25. Per the Administrative Order, the sealed warrant and related documents were entered into the log administered by the Wake County Clerk of Superior Court (**Exhibit D**) under the caption "Metro PCS Telephone No. 910-885-1121." Upon information and belief, (910) 885-1121 is widely known to be a mobile telephone number used by Leslie McCrae Dowless.

26. Upon further information and belief, the SBI applied for and obtained a search warrant to obtain records in the custody and control of Wells Fargo on or about 17 January 2019.

27. On On or about 17 January 2019, the District Attorney moved the court *ex parte* for an order sealing a search warrant for financial records held by Wells Fargo. On or about 17 January 2019, a Superior Court Judge signed an order sealing the warrant for a period of 90 days. Both the motion and order were filed with the Wake County Clerk of Superior Court on 1 March 2019. True and accurate copies of each are attached as **Exhibits I and J**.

28. On 21 February 2019, the North Carolina State Board of Elections ordered a new election take place in North Carolina's Ninth Congressional District.

29. On 27 February 2019, the Wake County Grand Jury and the District Attorney indicted Leslie McCrae Dowless, Caitlyn E. Croom, Matthew Monroe Mathis, Tonia Marie Gordon and Rebecca D. Thompson on charges related to the SBI's investigation in this matter. Mr. Dowless was charged with three counts of felonious obstruction of justice, two counts of conspiracy to commit obstruction of justice and two counts of illegal possession of an absentee ballot. Ms. Croom, Mr. Mathis, Ms. Gordon and Ms. Thompson were charged with conspiracy to obstruct justice and one count of possession of an absentee ballot. Mr. Mathis also was charged with two counts of falsely certifying an absentee ballot. True and accurate copies of the true bills of indictment are attached as **Exhibit K**.

LEGAL ARGUMENT

This motion is grounded in the North Carolina Public Records Law, G.S. § 132-1 *et seq.*; G.S. § 7A-109; G.S. § 1A-1, Rule 24, the North Carolina Constitution, Article I, § 18; the First Amendment to the United States Constitution; and this court's Administrative Order dated October 1, 2010, concerning investigative orders and search warrants.

A. The Search Warrants.

The public enjoys a qualified right of access to search warrants under Art. 1, § 18 of the North Carolina Constitution, which provides “All courts shall be open.” *In re Investigation into Death of Cooper*, 200 N.C. App. 180 (2009); *Virmani v. Presbyterian Health Services Corp.*, 350 N.C. 449 (1999).

The qualified right of public access to warrants may be restricted by sealing warrants only when doing so is “essential to preserve higher values and is narrowly tailored to serve that interest.” *Cooper*, 683 S.E. 2d at 427 (quoting *Baltimore Sun Company v. Goetz*, 886 F.2d 60, 65 (4th Cir. 1989)).

The Supreme Court and the North Carolina courts have recognized a right of access to the records of criminal proceedings. “Just as many cases have established that there is a qualified right of access to criminal trials, we hold that there is also a qualified right of access to records and documents in a criminal proceeding under the ‘open courts’ provision.” *In re Investigation into Death of Cooper*, 200 N.C. App. 180, 190, 683 S.E.2d 418, 426 (2009). If the state wants to deny that right of access, “it must be shown that the denial is necessitated by a compelling governmental interest, and is narrowly tailored to serve that interest.” *Globe Newspaper Co. v. Superior Court*, 457 U.S. 596, 606-07, 102 S. Ct. 2613, 2620, 73 L.Ed.2d 248, 257 (1982) (citations omitted).

The North Carolina Court of Appeals adopted the requirement that “[i]f the trial court ‘decides to close a hearing or seal documents, ‘it must state its reasons on the record, supported by specific findings.’ “ *In re Investigation into Death of Cooper*,

200 N.C. App. 180, 192, 683 S.E.2d 418, 427 (2009) (citing *In re Washington Post*, 807 F.2d 383, 391 (4th Cir.1986) (quoting *Knight Publishing Co.*, 743 F.2d at 234). Additionally, "The United States Supreme Court has 'emphasized that the interest to be protected by closing trial proceedings [or sealing search warrants] must be articulated along with findings specific enough that a reviewing court can determine whether the closure order was properly entered.'" *Id.* at 65 (quoting *Press-Enterprise Co. v. Superior Court*, 464 U.S. 501, 510, 104 S. Ct. 819, 824, 78 L.Ed.2d 629, 638). "[C]onclusory assertions are insufficient to allow review; specificity is required." *Id.* at 66. *Id.* at 192, 683 S.E.2d at 427.

Wake County, like other counties in North Carolina, has put specificity to the requirements articulated in the Supreme Court and North Carolina cases. Wake County's rules and procedures with respect to search warrants are the subject of a specific administrative order that provides the circumstances and procedure by which a search warrant may be sealed (**Exhibit A**).

Because the parties affected by the search warrants all have knowledge of the investigation, the search warrants and the searches themselves, the sealing orders do not serve a compelling interest that cannot be met through less restrictive means. Upon information and belief, the only justifications made for sealing of the search warrants is to protect an ongoing investigation and to withhold the identity of the person under investigation. Neither of these interests supports the extraordinary measure of sealing search warrants. Search warrants are public as a matter of law, reflecting the considered opinion of the North Carolina General

Assembly that the public has a legitimate interest and right to see them. G.S. § 132-1.4(k). Moreover, the Clerk's log (**Exhibit D**) plainly identifies that the two warrants that have been returned and sealed pertain to Leslie McCrae Dowless, yet the public is in the dark, left to speculate about what evidence there may or may not be of a crime by someone who is well known to be at the center of the State Board of Elections' investigation into potential election fraud in North Carolina's Ninth Congressional District and its vote to conduct a new election.

B. If pretrial publicity is a concern, the Court has several alternative remedies that are less restrictive than sealing public judicial records.

Movants acknowledge that courts routinely must deal with the ramifications of pretrial publicity, however; the appropriate remedy is not to cut off public access to court proceedings, participants, judicial records or other records such as the requested recording. To the extent an argument is grounded in fears or concerns about pre-trial publicity or attempts to control it, there are far less intrusive means.

In the context of considering how to handle pretrial publicity, the Fourth Circuit has written:

We can sympathize with the problems of a trial judge handling a number of trials resulting from an ongoing investigation of elected members of a State's legislative body. There is always a tension between First Amendment right to a free press and Sixth Amendment right to a trial by an impartial jury . . .

In re State-Record Co., Inc., 917 F.2d 124, 128 (4th Cir.1990).

More recently, the Fourth Circuit observed:

But the fact of publicity is hardly dispositive. Publicity often accompanies trials, including trials in which the public has a keen and

understandable interest. The judicial process does not run and hide at those moments when public appraisal of its workings is most intense.

In re Murphy-Brown, LLC, 907 F.3d 788, 798 (4th Cir. 2018).

In that context, Movants offer the following:

First, any attempt to control publicity and commentary about a case like this or to dampen public speculation or interest, is inherently futile. Extensive publicity and public interest is indigenous to this matter.

Second, as indicated above, any attempt by a court to control publicity about a case, whether by the imposition of a direct “gag order” or by restricting the media’s access to records and proceedings, would constitute a “prior restraint” on the press and thus comes before the court clothed with a strong presumption of unconstitutionality.

Third, Mr. Dowless and others have been indicted and thus any concern over jeopardizing an ongoing investigation has been eliminated.

Fourth, whoever may seek to enlist the court’s help to control interest in a case has a difficult hurdle to clear to demonstrate insurmountable prejudice as a result of pretrial publicity. The real hurdle is not a quantitative showing regarding the amount or volume of news coverage but a qualitative demonstration that because of the news coverage no court can seat a jury of 12 members able to render an unbiased verdict based solely on the evidence presented in court.

The Supreme Court and the Fourth Circuit both have stated that a court will only presume bias in a case of “extreme circumstances” and that there is a “high bar” for such. *U.S. v. Jones*, 200 Fed. Appx. 231, 232-33, 2006 WL 2668864, (4th Cir.

2006)(unpublished); *Wallace v. Branker*, 354 Fed. Appx. 807, 2009 WL 4301454 (4th Cir. 2009)(unpublished). The Fourth Circuit has characterized that bar as demonstrating publicity “that is almost irrefutably incriminating and proximate in time to the trial, or the publicity must disturb the trial proceedings. The publicity must rise to a level that renders court proceedings ‘a hollow formality.’” *Wallace* at 2009 WL 4301454, 13 (citing *Rideau v. Louisiana*, 373 U.S. 723, 726, 83 S. Ct. 1417, 10 L. Ed.2d 663 (1963)). Thus, the question that the court must address in deciding whether to persist with the gag order already in place is not whether the news coverage has been extensive, but whether it has been so pervasive and prejudicial that it has fatally infected the knowledge and dispositions of the potential jurors.

There is no requirement that jurors be oblivious to the fact that a crime has occurred or that the defendant has been charged with it. “It is sufficient if the juror can lay aside his impression or opinion and render a verdict based on the evidence presented in court.” *Irvin v. Dowd*, 366 U.S. 717, 722-23, 81 S. Ct. 1639, 1642-43, 6 L. Ed. 2d 751, 756 (1961). If the pretrial publicity is neither so extensive nor prejudicial as to render the trial a “hollow formality,” a juror-by-juror inquiry through voir dire can ferret out the existence of irremediable bias. “[V]oir dire examination is the trial court’s metric of juror partiality.” *Wallace* at 2009 WL 4301454, 14 (citing *Murphy v. Florida*, 421 U.S. 794, 95 S. Ct. 2031, 44 L.Ed.2d 589 (1975). Accord *Dobbert v. Florida*, 432 U.S. 282, 302, 97 S. Ct. 2290, 2302, 53 L. Ed.2d 344 (1977). “Where juror exposure to pretrial publicity can be shown,

defendants must still demonstrate that actual prejudice resulted.” *Irvin*, 366 U.S. at 723, 81 S. Ct. at 1642.

A review of North Carolina case law reveals that motions for changes of venue grounded in pre-trial publicity are rarely granted in this state, and trial judges are almost never reversed for denying them.

Undersigned counsel have been able to find only one case in which our appellate courts granted a criminal defendant a new trial because the trial court denied his motion for a change of venue: *State v. Jerrett*, 309 N.C. 239, 307 S.E.2d 339 (1983). The circumstances that caused the Supreme Court of North Carolina to grant a new trial in *Jerrett* arose in a “small, rural and closely knit county where the entire county was, in effect, a neighborhood.” *Id.* at 256, 307 S.E.2d at 348. This is simply not the case here.

In North Carolina, the decision to grant or deny a motion for change of venue is discretionary and will not be reversed unless the trial judge abused his or her discretion. *State v. Moore*, 335 N.C. 567, 585, 440 S.E.2d 797, 807 (1994); *State v. Oliver*, 302 N.C. 28, 37, 274 S.E. 2d 183, 189 (1981); *see also*, N.C. Gen. Stat. §§15A 957 and 15A 958, which authorize trial courts to order a change of venue or a special venire in order to ensure a fair trial. In order to justify a change of venue grounded in pre-trial publicity, the defendant must demonstrate that the publicity has resulted in “a specific and identifiable prejudice against him.” *State v. Rogers*, 355 N.C. 420, 429, 562 S.E.2d 859, 866 (2002); *State v. Barnes*, 345 N.C. 184, 204,

481 S.E.2d 44, 54, *cert. denied*, 522 U.S. 876, 118 S. Ct. 196, 139 L.Ed.2d 134 (1997), and *cert. denied*, 523 U.S. 1024, 118 S. Ct. 1309, 140 L.Ed.2d 473 (1998).

As Judge (later Chief Justice) Mitchell explained in *State v. McDougald*, this rule imposes a heavy burden on a defendant:

Inevitably cases of great public interest will receive thorough coverage by the press and electronic news media, and potential jurors will often be aware of such cases due to this news coverage. A defendant has not borne his burden of showing that he will be denied an impartial jury solely by introducing evidence that his case has received widespread news coverage or that some prospective jurors have been exposed to such coverage and formed or expressed opinions based upon their exposure. The defendant must additionally show that it is reasonably likely that prospective jurors would base their conclusions in his case upon pretrial information rather than evidence introduced at trial and would be unable to put from their minds any previous impressions they may have formed.

38 N.C. App. 244, 251, 248 S.E.2d 72, 79 (1978).

Judge Mitchell's explanation is consistent with numerous decisions holding that pre-trial publicity, in and of itself, does not dictate a change of venue if the publicity consists of factual news accounts regarding the commission of a crime and pretrial proceedings. *State v. Soyars*, 332 N.C. 47, 53, 418 S.E.2d 480, 484 (1992); *State v. Madric*, 328 N.C. 223, 229, 400 S.E.2d 31, 35 (1991). In cases where coverage of the arrests only indicated that defendants had been charged with a crime, and news articles were "factual, non-inflammatory, and contained for the most part information that could have been offered in evidence at defendants' trial," the motion for a change of venue has been held properly denied. *State v. Oliver*, *supra*, 302 N.C. at 37, 274 S.E.2d at 190. Accord *State v. Alford*, 289 N.C. 372, 222

S.E.2d 222, death sentence vacated, 429 U.S. 809, 97 S. Ct. 46, 50 L.Ed.2d 69 (1976).

Given a trial court's capacity to address genuine concerns over pretrial publicity or fair trial and the constitutional infirmity of prior restraints, the sealing orders should be vacated.

INTERESTED PARTIES' POSITIONS

Prior to filing this Motion, undersigned counsel conferred with the Wake County District Attorney and Cynthia Adams Singletary, counsel for Mr. Dowless. Neither opposes Movants' intervention for the purpose of requesting the Court unseal the judicial records described above or the unsealing of those records.

CONCLUSION

People in an open society do not demand infallibility from their institutions, but it is difficult for them to accept what they are prohibited from observing.

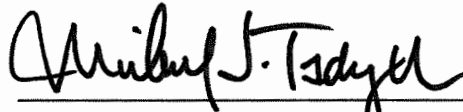
Richmond Newspapers Inc. v. Virginia, 448 U.S. 555 (1980) (Burger, C.J.). As Justice Holmes wrote while sitting on the Supreme Judicial Court of Massachusetts, "Every citizen should be able to satisfy himself with his own eyes as to the mode in which a public duty is performed." *Cowley v. Pulsifer*, 137 Mass. 392 (1884) (Holmes, J.) "[W]hen the conduct of public officials is at issue, the public's interest in the operation of government adds weight in the balance toward allowing permission to copy judicial records." *United States v. Beckham*, 789 F.2d 401, 413 (6th Cir. 1986).

Pursuant to N.C. Gen. Stat. §132-1.4(e), G.S. §132-9, and the Wake County Administrative Order, Movants request that this matter be accorded priority by the

court and set down for an immediate hearing. To the degree the Court declines to conduct a hearing, a proposed order is enclosed as **Exhibit L**.

Respectfully submitted this 5th day of March, 2019.

STEVENS MARTIN VAUGHN & TADYCH, PLLC



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Counsel for Movants/Intervenors

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was served by electronic mail and via the U.S. postal service, postage prepaid, to the party listed below:

N. Lorrin Freeman
Wake County District Attorney
300 S. Salisbury Street
Raleigh, North Carolina 27601

Cynthia Adams Singletary
Law Office of Cynthia Adams Singletary
PO Box 936
Elizabethtown, NC 28337

This the 5th day of March, 2019



Michael J. Tadych

STATE OF NORTH CAROLINA **FILED** IN THE GENERAL COURT OF JUSTICE
COUNTY OF WAKE 2000 MAY 20 PM 4: 51 SUPERIOR COURT DIVISION

WAKE COUNTY, C.S.C.

0800R 0460

IN RE:

BY _____

INVESTIGATIVE ORDERS
AND SEARCH WARRANTS

ADMINISTRATIVE ORDER

The following procedure for the processing and secure custody of investigative orders and search warrants issued by judicial officials in Wake County is hereby adopted by the undersigned judges, after consultation with the District Attorney and the Clerk of Superior Court.

PROCESS FOR SEARCH WARRANTS THAT ARE NOT ORDERED SEALED

A judicial official issuing a search warrant pursuant to Article 11 of Chapter 15A of the General Statutes shall retain a copy of the warrant and the warrant application and shall, as soon as practicable, cause such documents to be filed with the Head of the Criminal Division in the office of Clerk of Superior Court. Unless the issuing judicial official directs otherwise, neither the warrant nor the warrant application shall be made available for public inspection until the warrant is served and executed or is returned unserved or more than 48 hours has expired from the time of its issuance, whichever event occurs first. However, in order to preserve the integrity of a criminal investigation, a judicial official may order that such documents be sealed for a reasonable period of time to complete the investigation.



**PROCESS FOR SEARCH WARRANTS THAT ARE ORDERED SEALED
PURSUANT TO COURT ORDER**

1. Law enforcement officers seeking to seal a search warrant should notify the District Attorney's Office to obtain a Motion and Order to Seal Search Warrant to be presented to the judge at the time the search warrant is sought.
2. If the judge determines that it is appropriate to seal the search warrant, he shall execute the order. The order should state the length of time for which the search warrant is to be sealed.
3. The Court's copy of the search warrant and application for the search warrant should be placed in an envelope with the caption appearing on the outside of the envelope. The envelope and the order sealing the search warrant shall be delivered to the Head of the Criminal Division within the Clerk's office.
4. The Clerk shall establish a log, listing by caption search warrants that have been sealed, the date the order to seal was signed, the date the order expires and the name of the assistant district attorney assigned to the case. The log will be available for public inspection. The Clerk shall also maintain a copy of the order sealing the search warrant on file.
5. The envelope containing the Court's copy of the search warrant and the sealing order shall be safeguarded by the Clerk and held in a confidential file room.
6. Unless the order sealing the search warrant is extended, the Clerk shall notify the District Attorney's office on the date the order expires and return the search warrant to the Criminal Division to be filed with non-sealed search warrants.
7. Once the law enforcement officer has served the search warrant or after 48 hours has passed without execution of the search warrant, the search warrant shall be returned without

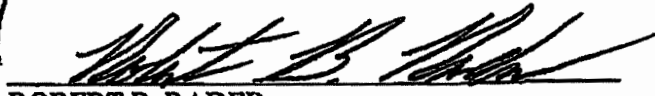
unnecessary delay to the Head of the Criminal Division in the Clerk's office with a copy of the order sealing the warrant. The law enforcement officer shall also provide a written inventory of items seized. If the order sealing the search warrant remains in effect, the search warrant and the inventory shall be filed in the confidential file room. If the order has expired, it will be filed with the other warrants.

PROCESS FOR INVESTIGATIVE ORDERS

Unless specifically required by statute to be filed with the Clerk of Superior Court, all investigative orders signed by judicial officials to obtain medical records, telephone records, business records and other information during the course of a criminal investigation shall be retained by the investigating agency and shall be included as part of the agency's Investigative Report to be provided to the District Attorney when a suspect is charged with a criminal offense. Public access to these records may be permitted only by court order upon a showing of good cause.

So ordered this, the 20 day of May, 2008 to be effective June 1, 2008.


DONALD W. STEPHENS
SENIOR RESIDENT SUPERIOR COURT JUDGE


ROBERT B. RADER
CHIEF DISTRICT COURT JUDGE

FILED

2018 DEC 20 PM 2: 51

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
WAKE COUNTY, N.C. SUPERIOR COURT DIVISION

BY 

IN RE: SEARCH WARRANT ISSUED IN

CONNECTION WITH THE INVESTIGATION

MOTION


SBI CASE: 2018-00619

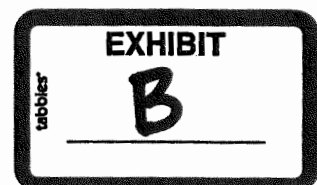
Now comes the State of North Carolina by and through District Attorney N. Lorrin Freeman for an order sealing the search warrant, the application of the search warrant and the inventory of the items seized pursuant to the search warrant by the North Carolina State Bureau of Investigation (SBI) regarding an investigation. The state shows the following:

- (1) The SBI initiated a criminal investigation on February 28, 2018 concerning allegations of possible absentee ballot fraud in Bladen County, North Carolina.
- (2) That the investigation is ongoing and was requested by the Wake County District Attorney's Office.
- (3) That a Criminal Specialist of the SBI applied for a search warrant to receive financial records held by the State Employees' Credit Union on December 5, 2018.
- (4) That such search warrant was executed on December 5, 2018.
- (5) That this search warrant, including the inventory, and the return thereof, have not been filed heretofore with the Wake County Clerk of Court.
- (6) That the affidavit attached to this search warrant includes information and the name of the person that is still under investigation.
- (7) That to disclose the identity of the person might hamper or impede this investigation and/or may materially prejudice further adjudicable procedures involving this investigation and any subsequent prosecution and will jeopardize the right of the state to prosecute a defendant or the right of the defendant to receive a fair trial or will undermine an ongoing investigation.

WHEREFORE, the State moves the Court seal the search warrant, the application of the search warrant and the inventory of the items seized by the SBI.

This the 5th day of December 2018.


District Attorney N. Lorrin Freeman



STATE OF NORTH CAROLINA
COUNTY OF WAKE

FILED

2018 DEC 20 PM 2:51

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

IN RE: SEARCH WARRANT ISSUED IN,
CONNECTION WITH THE INVESTIGATION

[Signature]

ORDER

SBI CASE: 2018-00619

THIS CAUSE HAVING COME ON TO BE HEARD before the Judge presiding and it appearing to the court:

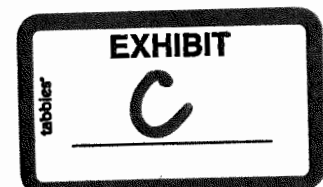
- (1) That a search warrant was issued on December 5, 2018, pursuant to a North Carolina State Bureau of Investigation (SBI) investigation of allegations of possible North Carolina election law violations.
- (2) That the success of this investigation by the SBI may be hindered by the publishing, at this time, of the contents of the application and warrant, and return thereof, this Motion and Order in the several manners described in the States Motion to Seal.
- (3) That the Information in the search warrant and return includes sensitive information which is the subject of an on-going investigation.
- (4) That the Interest of Justice will best be served by temporarily maintaining the secrecy of said warrant, return, and Motion and Order.
- (5) That the State Employees' Credit Union will be provided with a copy of the Search Warrant in order to comply with the Search Warrant's Order, AND the State Employees' Credit Union is ORDERED not to disclose the contents of the Search Warrant to anyone, other than as necessary to comply with this Search Warrant and Order.
- (6) That to publicly disclose the basis for the search warrant, or the inventory of those matters recovered from this location might hamper or impede this investigation and/or may materially prejudice further adjudicable procedures involving this investigation and any subsequent prosecution and will jeopardize the right of the state to prosecute a defendant or the right of the defendant to receive a fair trial or will undermine an ongoing investigation.

IT IS THEREFORE ORDERED that the application and search warrant issued on the above referenced date and the return therefore, and this Motion, be sealed by the Court and the contents thereof not released for a period of 30 days, with leave to request an additional period upon showing good cause.

This the 6th day of December 2018.

[Signature]

Superior Court Judge



SEALED SEARCH WARRANT LOG

CAPTION	SEALED DATE	EXPIRATION DATE	ASSIGNED ADA	AGENCY	UNSEALED DATE
In the Matter of Black Samsung Phone of K. Cox	10-18-18	01-16-19	J. Smith	WCSO	
LG Cricket Cell Phone in Purple Case	10-18-18	01-16-19	J. Smith	WCSO	
Wallace Wayne Bradsher	12-5-18	3-5-19	Freeman	NCSBI	
Leslie McCree Dowless	12-20-18	1-21-19	Freeman	NCSBI	
	01-03-19	until further notice	Katherine Edmiston	WCSO	
IN RE: SEARCH WARRANTS ISSUED IN THE INVESTIGATION OF THE HOMICIDE OF TYREE TEMONY ON DECEMBER 1, 2018					
7 search warrants					
MetroPCS Telephone No: 910-885-1121	2-14-19	5-15-19	Freeman	SBT	



STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

IN RE: SEARCH WARRANT)
ISSUED IN CONNECTION)
WITH THE INVESTIGATION)
BY N.C. STATE BUREAU OF)
INVESTIGATION 2018-00619)

2019 JAN 22 AM 8:06
MOTION

U.S. DISTRICT COURT, C.S.C.

Now comes the State of North Carolina by and through District Attorney Lorrin Freeman for an extension of the order sealing the search warrant, the application of search warrant and the inventories of the items seized pursuant to the search warrant by the N.C. State Bureau of Investigation in the above referenced investigation. The State shows the following:

1. The N.C. State Bureau of Investigation is involved in an ongoing investigation. At this time, no charges have been initiated and the investigation continues.
2. That the investigators with the N.C. State Bureau of Investigation applied for a search warrant to obtain records in the custody and control of the North Carolina State Employees' Credit Union on December 21, 2018.
3. That this search warrant has now been executed and return made by Agent C.S. Faircloth with the N.C. State Bureau of Investigation.
4. That an order sealing the search warrant and return thereof for 30 days was entered by the Honorable Superior Court Judge Graham Shirley on December 20, 2018.
5. That the affidavit attached to these search warrants include information that has not been previously been made public and to publicly disclose the information might hamper or impede this investigation and/or may release information that could adversely affect persons who are not charged with committing a crime and materially prejudice further adjudicable procedures involving this investigation and any subsequent prosecution and will jeopardize the right of the State to prosecute a defendant or the right of the defendant to receive a fair trial or will undermine an ongoing investigation.

WHEREFORE, the State moves the Court to extend the order sealing the application for search warrant and search warrant applied for on December 20, 2018, and the return and inventories of items seized by the N.C. State Bureau of Investigation and this motion for an additional 60 days beyond January 21, 2019.

This, the 21st day of January, 2019.



N. Lorrin Freeman
District Attorney

EXHIBIT

E

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
2019 JAN 22 AM 8:06

IN RE: SEARCH WARRANT)
ISSUED IN CONNECTION)
WITH THE INVESTIGATION)
N.C. STATE BUREAU OF)
INVESTIGATION 2018-00797)

[Signature] C.S.C.
ORDER RE: SEARCH WARRANT

THIS CAUSE HAVING COME ON TO BE HEARD before the Judge
Presiding, and it appearing to the Court:

1. That a search warrant was issued on December 20, 2018, at the request of the N.C. State Bureau of Investigation as part of an ongoing investigation. This search warrant was for the purpose of obtaining records in the custody and control of the North Carolina State Employees' Credit Union.
2. That said search warrant was executed and the return thereof filed with the Clerk of Superior Court under an Order to Seal entered by the Honorable Superior Court Judge Graham Shirley on December 20, 2018.
3. That information included in the search warrant, any attachments, application for search, the inventories of items seized, and the return includes sensitive information which is the subject of an ongoing investigation.
4. That the interest of justice will best be served by continuing the temporary sealing of said warrant, any attachments, return, application for search, the inventories of items seized, and the Motion and Order.
5. That to publicly disclose the basis for the search warrant, or the inventory of those matters recovered from this location might hamper or impede this investigation and/or may release information that could adversely affect persons who are not charged with committing a crime and materially prejudice further adjudicable procedures involving this investigation and any subsequent prosecution and will jeopardize the right of the state to prosecute a defendant or the right of the defendant to receive a fair trial or will undermine an ongoing investigation.



6. The information gained in the execution of this search warrant may be of substantial investigative value, leading to other searches, and that this entire investigation is an active process at this time.

It is therefore ORDERED that the application and search warrant, issued on the above referenced date, and the return and inventories therefore, and this Motion be sealed by the Court for an additional 60 days and the contents thereof not released.

This, the 21st day of January, 2019.

Rebecca W. Holt
Superior Court Judge

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

IN RE: SEARCH WARRANT
ISSUED IN CONNECTION
WITH THE INVESTIGATION
BY N.C. STATE BUREAU OF
INVESTIGATION 2018-00619

2019 FEB 14 PM 12:30

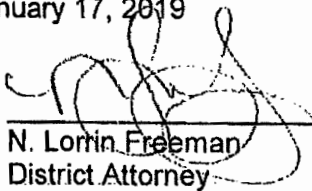
WAKE COUNTY, N.C.
MOTION

Now comes the State of North Carolina by and through District Attorney Lorrin Freeman for an order sealing the search warrant, the application of search warrant and the inventories of the items seized pursuant to the search warrant by the N.C. State Bureau of Investigation. The State shows the following:

1. The N.C. State Bureau of Investigation is involved in an ongoing investigation. At this time, no charges have been initiated and the investigation continues.
2. That the investigators with the N.C. State Bureau of Investigation applied for a search warrant to obtain records in the custody and control of Metro PCS in the above captioned investigation on January 17, 2019.
3. That once served return of the search warrant, the return and inventories of items seized will be made to the Wake County Clerk of Superior Court.
4. That these search warrants, including the inventories, and the returns thereof, have not been filed heretofore with the Wake County Clerk of Court.
5. That the affidavit attached to these search warrants include information that has not been previously been made public and to publicly disclose the information might hamper or impede this investigation and/or may release information that could adversely affect persons who are not charged with committing a crime and materially prejudice further adjudicable procedures involving this investigation and any subsequent prosecution and will jeopardize the right of the State to prosecute a defendant or the right of the defendant to receive a fair trial or will undermine an ongoing investigation.

WHEREFORE, the State moves the Court seal the application for search warrant and search warrant applied for on January 17, 2019, the return and inventories of items seized by the N.C. State Bureau of Investigation and this motion.

This, the 17th day of January 17, 2019


N. Lorrin Freeman
District Attorney



STATE OF NORTH CAROLINA
COUNTY OF WAKE

FILED

THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

2019 FEB 14 PM 12:30

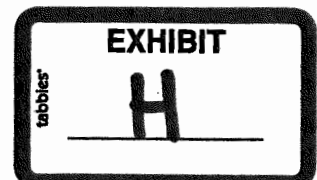
IN RE: SEARCH WARRANT
ISSUED IN CONNECTION
WITH THE INVESTIGATION BY
N.C. STATE BUREAU OF
INVESTIGATION 2018-00619

WAKE COUNTY, C.S.C.

ORDER RE: SEARCH WARRANT

THIS CAUSE HAVING COME ON TO BE HEARD before the Judge
Presiding, and it appearing to the Court:

1. That a search warrant was issued on January 17, 2019, at the request of the N.C. State Bureau of Investigation as part of an ongoing investigation. This search warrant was for the purpose of obtaining records in the custody and control of Metro PCS.
2. That the success of this investigation by the N.C. State Bureau of Investigation may be hindered by the publishing, at this time, of the contents of the application and warrant, and return thereof, this Motion and Order in the several manners described in the State's Motion to Seal.
3. That information included in the search warrant, any attachments, application for search, the inventories of items seized, and the return includes sensitive information which is the subject of an on-going investigation. The Court finds that return of the search warrant, any attachments, application for search, the inventories of items seized and the return is proper in Wake County based on the search warrant having been served in Wake County and in an effort to protect the investigation.
4. That the interest of justice will best be served by temporarily sealing said warrant, any attachments, return, application for search, the inventories of items seized, the Motion and Order.
5. That to publicly disclose the basis for the search warrant, or the inventory of those matters recovered from this location might hamper or impede this investigation and/or may release information that could adversely affect persons who are not charged with committing a crime and materially prejudice further adjudicable procedures involving this investigation and any subsequent prosecution and will jeopardize the right of the state to prosecute a



defendant or the right of the defendant to receive a fair trial or will undermine an ongoing investigation.

6. The information gained in the execution of this search warrant may be of substantial investigative value, leading to other searches, and that this entire investigation is an active process at this time.

It is therefore ORDERED that the application and search warrant, issued on the above referenced date, and the return and inventories therefore, and this Motion be sealed by the Court and the contents thereof not released for period of 90 days, with leave to request an additional period upon showing of good cause.

This, the 17th day of January 2019.


Superior Court Judge

STATE OF NORTH CAROLINA
COUNTY OF WAKE

FILED
2019 JAN -1 10:21 AM
IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

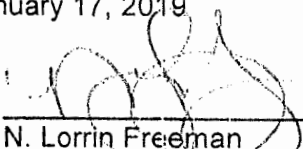
IN RE: SEARCH WARRANT WA) N.C. S.C.
ISSUED IN CONNECTION) BNT
WITH THE INVESTIGATION BY) MOTION
BY N.C. STATE BUREAU OF)
INVESTIGATION 2018-00619

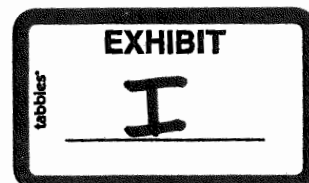
Now comes the State of North Carolina by and through District Attorney Lorrin Freeman for an order sealing the search warrant, the application of search warrant and the inventories of the items seized pursuant to the search warrant by the N.C. State Bureau of Investigation. The State shows the following:

1. The N.C. State Bureau of Investigation is involved in an ongoing investigation. At this time, no charges have been initiated and the investigation continues.
2. That the investigators with the N.C. State Bureau of Investigation applied for a search warrant to obtain records in the custody and control of Wells Fargo Bank, N.A. on January 17, 2019. This search warrant will be served upon Wells Fargo Bank, N.A. at the Wells Fargo branch located at 1301 Fifth Avenue, Garner, NC 27529.
3. That once served return of the search warrant, the return and inventories of items seized will be made to the Wake County Clerk of Superior Court.
4. That these search warrants, including the inventories, and the returns thereof, have not been filed heretofore with the Wake County Clerk of Court.
5. That the affidavit attached to these search warrants include information that has not been previously been made public and to publicly disclose the information might hamper or impede this investigation and/or may release information that could adversely affect persons who are not charged with committing a crime and materially prejudice further adjudicable procedures involving this investigation and any subsequent prosecution and will jeopardize the right of the State to prosecute a defendant or the right of the defendant to receive a fair trial or will undermine an ongoing investigation.

WHEREFORE, the State moves the Court seal the application for search warrant and search warrant applied for on January 17, 2019, the return and inventories of items seized by the N.C. State Bureau of Investigation and this motion.

This, the 17th day of January 17, 2019


N. Lorrin Freeman
District Attorney



STATE OF NORTH CAROLINA
COUNTY OF WAKE

FILED
2019 MAR -1 PM 3:45

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

WAKE COUNTY, C.S.C.

IN RE: SEARCH WARRANT
ISSUED IN CONNECTION BY
WITH THE INVESTIGATION
N.C. STATE BUREAU OF
INVESTIGATION 2018-00619

)
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ORDER RE: SEARCH WARRANT

THIS CAUSE HAVING COME ON TO BE HEARD before the Judge
Presiding, and it appearing to the Court:

1. That a search warrant was issued on January 17, 2019, at the request of the N.C. State Bureau of Investigation as part of an ongoing investigation. This search warrant was for the purpose of obtaining records in the custody and control of the Wells Fargo Bank, N.A.
2. That the success of this investigation by the N.C. State Bureau of Investigation may be hindered by the publishing, at this time, of the contents of the application and warrant, and return thereof, this Motion and Order in the several manners described in the State's Motion to Seal.
3. That information included in the search warrant, any attachments, application for search, the inventories of items seized, and the return includes sensitive information which is the subject of an ongoing investigation. The Court finds that return of the search warrant, any attachments, application for search, the inventories of items seized and the return is proper in Wake County based on the search warrant having been served in Wake County and in an effort to protect the investigation.
4. That the interest of justice will best be served by temporarily sealing said warrant, any attachments, return, application for search, the inventories of items seized, the Motion and Order.
5. That to publicly disclose the basis for the search warrant, or the inventory of those matters recovered from this location might hamper or impede this investigation and/or may release information that could adversely affect persons who are not charged with committing a crime and materially prejudice further adjudicable procedures involving this investigation and any subsequent prosecution and will jeopardize the right of the state to prosecute a



defendant or the right of the defendant to receive a fair trial or will undermine an ongoing investigation.

6. The information gained in the execution of this search warrant may be of substantial investigative value, leading to other searches, and that this entire investigation is an active process at this time.

It is therefore ORDERED that the application and search warrant, issued on the above referenced date, and the return and inventories therefore, and this Motion be sealed by the Court and the contents thereof not released for period of 90 days, with leave to request an additional period upon showing of good cause.

This, the 17th day of January 2019.


Superior Court Judge

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
19CRS000489

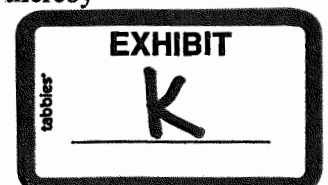
STATE OF NORTH CAROLINA

v.

LESLIE MCCRAE DOWLESS

INDICTMENT- I. FELONIOUS OBSTRUCTION
OF JUSTICE
II. CONSPIRACY TO COMMIT FELONIOUS
OBSTRUCTION OF JUSTICE
III. POSSESSION OF ABSENTEE BALLOT

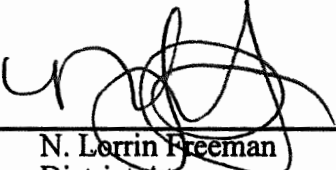
- I. The jurors for the State upon their oath present that on or between March 21, 2018 through May 8, 2018 in Wake County the defendant named above unlawfully, willfully, and feloniously did, with deceit and intent to defraud, obstruct public and legal justice by submitting or causing to be submitted by mail absentee ballots and container-return envelopes for those ballots to the Bladen County Board of Elections in such a manner so as to make it appear that those ballots had been voted and executed in compliance with the provisions of Article 21 of the North Carolina General Statutes Chapter 163A pertaining to absentee ballots when they in fact had not been so executed, to wit: defendant directed individuals to collect absentee ballots from voters, at times instructed individuals to sign certifications indicating they had witnessed the voter vote and properly execute the absentee ballot when they had not, and mailed or instructed others to mail the absentee ballot in such a manner to conceal the fact that the voter had not personally mailed it himself. As a result, these spoiled absentee ballots were counted by the local Board of Election and the total tally thereof forwarded to the North Carolina State Board of Elections in Wake County, North Carolina pursuant to N.C.G.S. 163A-1315(7) (fmr 163-234) who has the duty under N.C.G.S. 163A-741 (fmr 163-22) to tabulate primary and general election returns and to declare results for those offices which according to State law shall be tabulated by the North Carolina State Board of Elections. This act did obstruct public justice by resulting in the counting of spoiled absentee ballots that had not been executed in compliance with State law. It thereby



served to undermine the integrity of the absentee ballot process and the public's confidence in the outcome of the electoral process. This offense was done with deceit and intent to defraud and against the peace and dignity of the State. This act was done in violation of the Common Law and punishable pursuant to N.C.G.S. 14-3(b).

- II. The jurors for the State upon their oath present that on or between March 21, 2018 through May 8, 2018, in Wake County the defendant named above unlawfully, willfully, and feloniously did conspire with others, including but not limited to, Rebecca Thompson and Kelly N. Hendrix, with deceit and intent to defraud, to obstruct public and legal justice by submitting or causing to be submitted by mail absentee ballots and container return envelopes for those ballots to the Bladen County Board of Elections in such a manner so as to make it appear that those ballots had been voted and executed in compliance with the provisions of Article 21 of the North Carolina General Statutes Chapter 163A pertaining to absentee ballots when they in fact had not been so executed, to wit: ballots were collected from voters and taken into possession unlawfully; witness certifications were signed indicating the signor had witnessed the voter vote the absentee ballot when he or she had not, and the ballots were mailed in such a manner to conceal the fact that the voter had not personally mailed it himself. These spoiled absentee ballots were counted by the local Board of Election and the total tally thereof forwarded to the North Carolina State Board of Elections in Wake County, North Carolina pursuant to N.C.G.S. 163A-1315(7) (fmr 163-234) who has the duty under N.C.G.S. 163A-741 (fmr 163-22) to tabulate primary and general election returns and to declare results for those offices which according to State law shall be tabulated by the North Carolina State Board of Elections. This act did obstruct public justice by resulting in the counting of spoiled absentee ballots that had not been executed in compliance with State law. It thereby served to undermine the integrity of the absentee ballot process and the public's confidence in the outcome of the electoral process. This offense was done with deceit and intent to defraud and against the peace and dignity of the State. This act was done in violation of the Common Law and punishable pursuant to N.C.G.S. 14-2.4.

III. The jurors for the State upon their oath present that on or between March 21, 2018 through April 26, 2018 in Bladen County the defendant named above unlawfully, willfully and feloniously did take into his possession for return to the Bladen County Board of Elections the absentee ballot of a voter, including, but not limited to, voters Mary Alice Davis, Sondra Kaye Deaver, and Ja_Bril Baker . Defendant was neither the voters' near relative nor the voters' verifiable legal guardian. This act was done in violation of N.C.G.S. 163A-1298(5) (fmr 163-226.3).



N. Lorrin Freeman
District Attorney

X Agent Faircloth, NCSBI
Witness

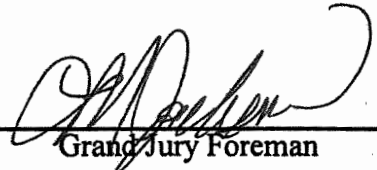
The witnesses marked "X" were sworn by the undersigned Foreman of the Grand Jury and, after hearing testimony, this bill was found to be:

X **A TRUE BILL** by twelve or more grand jurors, and I the undersigned Foreman of the Grand Jury, attest the concurrence of twelve or more grand jurors in this Bill of Indictment.

____ **NOT A TRUE BILL.**

FEB 26 2019

Date



Grand Jury Foreman

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
19CRS000488

STATE OF NORTH CAROLINA

v.

LESLIE MCCRAE DOWLESS


INDICTMENT- I. FELONIOUS OBSTRUCTION
OF JUSTICE
II. CONSPIRACY TO COMMIT FELONIOUS
OBSTRUCTION OF JUSTICE
III. POSSESSION OF ABSENTEE BALLOT
IV. FELONIOUS OBSTRUCTION OF JUSTICE

- I. The jurors for the State upon their oath present that on or between September 14, 2016 through November 8, 2016, in Wake County the defendant named above unlawfully, willfully, and feloniously did, with deceit and intent to defraud, obstruct public and legal justice by submitting or causing to be submitted by mail absentee ballots and container-return envelopes for those ballots to the Bladen County Board of Elections in such a manner so as to make it appear that those ballots had been voted and executed in compliance with the provisions of Article 21 of the North Carolina General Statutes Chapter 163A pertaining to absentee ballots when they in fact had not been so executed, to wit: defendant directed individuals to collect absentee ballots from voters, at times instructed individuals to sign certifications indicating they had witnessed the voter vote and properly execute the absentee ballot when they had not, and mailed or instructed others to mail the absentee ballot in such a manner to conceal the fact that the voter had not personally mailed it himself. As a result, these spoiled absentee ballots were counted by the local Board of Election and the total tally thereof forwarded to the North Carolina State Board of Elections in Wake County, North Carolina pursuant to N.C.G.S. 163A-1315(7) (fmr 163-234) who has the duty under N.C.G.S. 163A-741 (fmr 163-22) to tabulate primary and general election returns and to declare results for those offices which according to State law shall be tabulated by the North Carolina State Board of Elections. This act did obstruct public justice by resulting in the counting of spoiled absentee ballots that had not been executed in compliance with State law. It thereby

served to undermine the integrity of the absentee ballot process and the public's confidence in the outcome of the electoral process. This offense was done with deceit and intent to defraud and against the peace and dignity of the State. This act was done in violation of the Common Law and punishable pursuant to N.C.G.S. 14-3(b).

- II. The jurors for the State upon their oath present that on or between September 14, 2016 through November 8, 2016, in Wake County the defendant named above unlawfully, willfully, and feloniously did conspire with others, including but not limited to, Matthew Mathis, Caitlyn Croom, Tonia Gordon and Kelly N. Hendrix, with deceit and intent to defraud, to obstruct public and legal justice by submitting or causing to be submitted by mail absentee ballots and container return envelopes for those ballots to the Bladen County Board of Elections in such a manner so as to make it appear that those ballots had been voted and executed in compliance with the provisions of Article 21 of the North Carolina General Statutes Chapter 163A pertaining to absentee ballots when they in fact had not been so executed, to wit: ballots were collected from voters and taken into possession unlawfully, witness certifications were signed indicating the signor had witnessed the voter vote the absentee ballot when he or she had not, and the ballots were mailed in such a manner to conceal the fact that the voter had not personally mailed it himself. These spoiled absentee ballots were counted by the local Board of Election and the total tally thereof forwarded to the North Carolina State Board of Elections in Wake County, North Carolina pursuant to N.C.G.S. 163A-1315(7) (fmr 163-234) who has the duty under N.C.G.S. 163A-741 (fmr 163-22) to tabulate primary and general election returns and to declare results for those offices which according to State law shall be tabulated by the North Carolina State Board of Elections. This act did obstruct public justice by resulting in the counting of spoiled absentee ballots that had not been executed in compliance with State law. It thereby served to undermine the integrity of the absentee ballot process and the public's confidence in the outcome of the electoral process. This offense was done with deceit and intent to defraud and against the peace and dignity of the State. This act was done in violation of the Common Law and punishable pursuant to N.C.G.S. 14-2.4.

- III. The jurors for the State upon their oath present that on or between September 14, 2016 through October 31, 2016 in Bladen County the defendant named above unlawfully, willfully and feloniously did take into his possession for return to the Bladen County Board of Elections the absentee ballot of a voter, including, but not limited to, voters Mitchell Barnes, Patricia Beasley, Alice Faye Carlton, Brandon Rich, Rachel Sessoms, Mary Elizabeth Edwards, Christy Cheshire Storms and Roger Lane Storms. Defendant was neither the voters' near relative nor the voters' verifiable legal guardian. This act was done in violation of N.C.G.S. 163A-1298(5) (fmr 163-226.3).
- IV. The jurors for the State upon their oath present that on or about October 24, 2016 in Bladen County the defendant named above unlawfully, willfully, and feloniously did, with deceit and intent to defraud, obstruct public and legal justice by providing false information to investigators with the North Carolina State Board of Elections and by counseling and encouraging Matthew Matthis and Caitlyn Croom to also provide false information to investigators. At the time, the North Carolina State Board of Elections investigators were investigating complaints received from voters Brenda Register and Heather Baldwin into the handling of absentee ballots during the 2016 general election in Bladen County. This act did obstruct public justice by resulting in false information being initially provided to the North Carolina State Board of Elections investigators. This offense was done with deceit and intent to defraud and against the peace and dignity of the State. This act was done in violation of the Common Law and punishable pursuant to N.C.G.S. 14-3(b).



N. Dorrin Freeman
District Attorney



Agent Faircloth, NCSBI
Witness

The witnesses marked "X" were sworn by the undersigned Foreman of the Grand Jury and, after

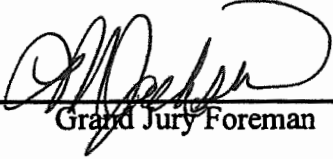
hearing testimony, this bill was found to be:

X **A TRUE BILL** by twelve or more grand jurors, and I the undersigned Foreman of the Grand Jury, attest the concurrence of twelve or more grand jurors in this Bill of Indictment.

 NOT A TRUE BILL.

Date

FEB 26 1019


Grand Jury Foreman

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
19CRS000490

STATE OF NORTH CAROLINA

v.

INDICTMENT-

CAITLYN E. CROOM

I. CONSPIRACY TO COMMIT FELONIOUS
OBSTRUCTION OF JUSTICE
II. POSSESSION OF ABSENTEE BALLOT

- I. The jurors for the State upon their oath present that on or between September 14, 2016 through November 8, 2016, in Wake County the defendant named above unlawfully, willfully, and feloniously did conspire with Leslie McCrae Dowless, with deceit and intent to defraud, obstruct public and legal justice by submitting or causing to be submitted by mail absentee ballots and container return envelopes for those ballots to the Bladen County Board of Elections in such a manner so as to make it appear that those ballots had been voted and executed in compliance with the provisions of Article 21 of the North Carolina General Statutes Chapter 163A pertaining to absentee ballots when they in fact had not been so executed, to wit: ballots were collected from voters and taken into possession unlawfully; witness certifications were signed indicating the signor had witnessed the voter vote the absentee ballot when he or she had not, and the ballots were mailed in such a manner to conceal the fact that the voter had not personally mailed it himself. These spoiled absentee ballots were counted by the local Board of Election and the total tally thereof forwarded to the North Carolina State Board of Elections in Wake County, North Carolina pursuant to N.C.G.S. 163A-1315(7) (fmr 163-234) who has the duty under N.C.G.S. 163A-741 (fmr 163-22) to tabulate primary and general election returns and to declare results for those offices which according to State law shall be tabulated by the North Carolina State Board of Elections. This act did obstruct public justice by resulting in the counting of spoiled absentee ballots that had not been executed in compliance with State law. It thereby served to undermine the integrity of the

absentee ballot process and the public's confidence in the outcome of the electoral process. This offense was done with deceit and intent to defraud and against the peace and dignity of the State. This act was done in violation of the Common Law and punishable pursuant to N.C.G.S. 14-2.4.

- II. The jurors for the State upon their oath present that on or between September 14, 2016 through October 19, 2016 in Bladen County the defendant named above unlawfully, willfully and feloniously did take into her possession for return to the Bladen County Board of Elections the absentee ballot of a voter, including, but not limited to, voters Mitchell Barnes, Patricia Beasley, and Angela Davis. Defendant was neither the voters' near relative nor the voters' verifiable legal guardian. This act was done in violation of N.C.G.S. 163A-1298(5) (fmr 163-226.3).



N. Lorrin Freeman
District Attorney

X

Agent Faircloth, NCSBI
Witness

The witnesses marked "X" were sworn by the undersigned Foreman of the Grand Jury and, after hearing testimony, this bill was found to be:

X A TRUE BILL by twelve or more grand jurors, and I the undersigned Foreman of the Grand Jury, attest the concurrence of twelve or more grand jurors in this Bill of Indictment.

NOT A TRUE BILL.

FEB 25 2019

Date



Grand Jury Foreman

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
19CRS000491

STATE OF NORTH CAROLINA

v.

INDICTMENT-


MATTHEW MONROE MATHIS

I. CONSPIRACY TO COMMIT FELONIOUS
OBSTRUCTION OF JUSTICE
II. POSSESSION OF ABSENTEE BALLOT
III. FALSELY SIGNING CERTIFICATION ON
ABSENTEE BALLOT
IV. FALSELY SIGNING CERTIFICATION ON
ABSENTEE BALLOT

- I. The jurors for the State upon their oath present that on or between September 14, 2016 through November 8, 2016, in Wake County the defendant named above unlawfully, willfully, and feloniously did conspire with Leslie McCrae Dowless, with deceit and intent to defraud, obstruct public and legal justice by submitting or causing to be submitted by mail absentee ballots and container return envelopes for those ballots to the Bladen County Board of Elections in such a manner so as to make it appear that those ballots had been voted and executed in compliance with the provisions of Article 21 of the North Carolina General Statutes Chapter 163A pertaining to absentee ballots when they in fact had not been so executed, to wit: ballots were collected from voters and taken into possession unlawfully; witness certifications were signed indicating the signor had witnessed the voter vote the absentee ballot when he or she had not, and the ballots were mailed in such a manner to conceal the fact that the voter had not personally mailed it himself. These spoiled absentee ballots were counted by the local Board of Election and the total tally thereof forwarded to the North Carolina State Board of Elections in Wake County, North Carolina pursuant to N.C.G.S. 163A-1315(7) (fmr 163-234) who has the duty under N.C.G.S. 163A-741 (fmr 163-22) to tabulate primary and general election returns and to declare results for those offices which according to State law shall be tabulated by the North Carolina State Board of Elections. This act did obstruct public

justice by resulting in the counting of spoiled absentee ballots that had not been executed in compliance with State law. It thereby served to undermine the integrity of the absentee ballot process and the public's confidence in the outcome of the electoral process. This offense was done with deceit and intent to defraud and against the peace and dignity of the State. This act was done in violation of the Common Law and punishable pursuant to N.C.G.S. 14-2.4.

- II. The jurors for the State upon their oath present that on or between September 14, 2016 through October 19, 2016 in Bladen County the defendant named above unlawfully, willfully and feloniously did take into his possession for return to the Bladen County Board of Elections the absentee ballot of a voter, including, but not limited to, voters Mitchell Barnes, Patricia Beasley, and Angela Davis. Defendant was neither the voters' near relative nor the voters' verifiable legal guardian. This act was done in violation of N.C.G.S. 163A-1298(5) (fmr 163-226.3).
- III. The jurors for the State upon their oath present that on or about October 6, 2018 in Bladen County the defendant named above unlawfully, willfully and feloniously did falsely sign the name of Heather Register, a regularly qualified voter, on the certification on the absentee ballot container-envelope provided for by N.C.G.S. 163A-1307(b)(2) (fmr N.C.G.S. 163-229) and submitted the container-envelope with the ballot enclosed as if Heather Register herself had duly executed said container-envelope. This act was done in violation of N.C.G.S. 163A-1389 (fmr 163-275).
- IV. The jurors for the State upon their oath present that on or about October 6, 2018 in Bladen County the defendant named above unlawfully, willfully and feloniously did falsely sign the name of Timothy Register, a regularly qualified voter, on the certification on the absentee ballot container-envelope provided for by N.C.G.S. 163A-1307(b)(2) (fmr N.C.G.S. 163-229) and submitted the container-envelope with the ballot enclosed as if Timothy Register himself had duly executed said container-envelope. This act was done in violation of N.C.G.S. 163A-1389 (fmr 163-275).



N. Lorrin Freeman
District Attorney

X

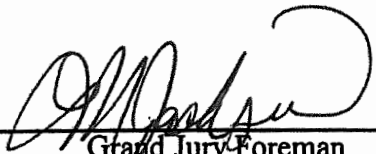
Agent Faircloth, NCSBI
Witness

The witnesses marked "X" were sworn by the undersigned Foreman of the Grand Jury and, after hearing testimony, this bill was found to be:

X A TRUE BILL by twelve or more grand jurors, and I the undersigned Foreman of the Grand Jury, attest the concurrence of twelve or more grand jurors in this Bill of Indictment.

____ NOT A TRUE BILL.

FEB 26 2019
Date



Grand Jury Foreman

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
19CRS000492

STATE OF NORTH CAROLINA

v.

INDICTMENT-

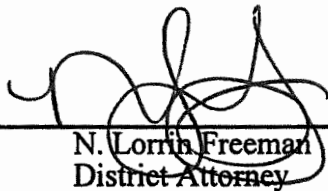
TONIA MARIE GORDON

I. CONSPIRACY TO COMMIT FELONIOUS
OBSTRUCTION OF JUSTICE
II. POSSESSION OF ABSENTEE BALLOT

- I. The jurors for the State upon their oath present that on or between September 19, 2016 through November 8, 2016, in Wake County the defendant named above unlawfully, willfully, and feloniously did conspire with Leslie McCrae Dowless, with deceit and intent to defraud, obstruct public and legal justice by submitting or causing to be submitted by mail absentee ballots and container return envelopes for those ballots to the Bladen County Board of Elections in such a manner so as to make it appear that those ballots had been voted and executed in compliance with the provisions of Article 21 of the North Carolina General Statutes Chapter 163A pertaining to absentee ballots when they in fact had not been so executed, to wit: ballots were collected from voters and taken into possession unlawfully, witness certifications were signed indicating the signor had witnessed the voter vote the absentee ballot when he or she had not, and the ballots were mailed in such a manner to conceal the fact that the voter had not personally mailed it himself. These spoiled absentee ballots were counted by the local Board of Election and the total tally thereof forwarded to the North Carolina State Board of Elections in Wake County, North Carolina pursuant to N.C.G.S. 163A-1315(7) (fmr 163-234) who has the duty under N.C.G.S. 163A-741 (fmr 163-22) to tabulate primary and general election returns and to declare results for those offices which according to State law shall be tabulated by the North Carolina State Board of Elections. This act did obstruct public justice by resulting in the counting of spoiled absentee ballots that had not been executed in compliance with State law. It thereby served to undermine the integrity of the

absentee ballot process and the public's confidence in the outcome of the electoral process. This offense was done with deceit and intent to defraud and against the peace and dignity of the State. This act was done in violation of the Common Law and punishable pursuant to N.C.G.S. 14-2.4.

- II. The jurors for the State upon their oath present that on or between September 19, 2016 through October 7, 2016 in Bladen County the defendant named above unlawfully, willfully and feloniously did take into her possession for return to the Bladen County Board of Elections the absentee ballot of a voter, including, but not limited to, voters Rachel Sessoms, Mary Elizabeth Edwards, W.J. Edwards, Christy Cheshire Storms and Roger Lane Storms. Defendant was neither the voters' near relative nor the voters' verifiable legal guardian. This act was done in violation of N.C.G.S. 163A-1298(5) (fmr 163-226.3).


N. Lorrin Freeman
District Attorney

X

Agent Faircloth, NCSBI
Witness

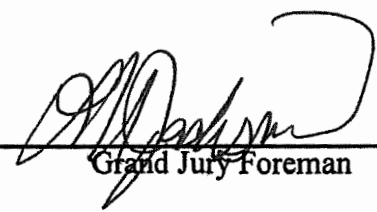
The witnesses marked "X" were sworn by the undersigned Foreman of the Grand Jury and, after hearing testimony, this bill was found to be:

X **A TRUE BILL** by twelve or more grand jurors, and I the undersigned Foreman of the Grand Jury, attest the concurrence of twelve or more grand jurors in this Bill of Indictment.

 NOT A TRUE BILL.

FEB 26 2019

Date


Grand Jury Foreman

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
19CRS000547

STATE OF NORTH CAROLINA

v.

INDICTMENT-

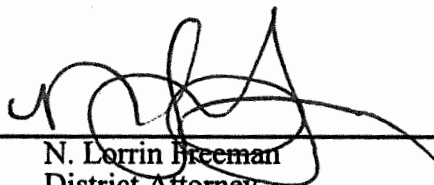
REBECCA D. THOMPSON

I. CONSPIRACY TO COMMIT FELONIOUS
OBSTRUCTION OF JUSTICE
II. POSSESSION OF ABSENTEE BALLOT

- I. The jurors for the State upon their oath present that on or between March 21, 2018 through May 8, 2018, in Wake County the defendant named above unlawfully, willfully, and feloniously did conspire with Leslie McCrae Dowless, with deceit and intent to defraud, obstruct public and legal justice by submitting or causing to be submitted by mail absentee ballots and container return envelopes for those ballots to the Bladen County Board of Elections in such a manner so as to make it appear that those ballots had been voted and executed in compliance with the provisions of Article 21 of the North Carolina General Statutes Chapter 163A pertaining to absentee ballots when they in fact had not been so executed, to wit: ballots were collected from voters and taken into possession unlawfully, witness certifications were signed indicating the signor had witnessed the voter vote the absentee ballot when he or she had not, and the ballots were mailed in such a manner to conceal the fact that the voter had not personally mailed it himself. These spoiled absentee ballots were counted by the local Board of Election and the total tally thereof forwarded to the North Carolina State Board of Elections in Wake County, North Carolina pursuant to N.C.G.S. 163A-1315(7) (fmr 163-234) who has the duty under N.C.G.S. 163A-741 (fmr 163-22) to tabulate primary and general election returns and to declare results for those offices which according to State law shall be tabulated by the North Carolina State Board of Elections. This act did obstruct public justice by resulting in the counting of spoiled absentee ballots that had not been executed in compliance with State law. It thereby served to undermine the integrity of the

absentee ballot process and the public's confidence in the outcome of the electoral process. This offense was done with deceit and intent to defraud and against the peace and dignity of the State. This act was done in violation of the Common Law and punishable pursuant to N.C.G.S. 14-2.4.

- II. The jurors for the State upon their oath present that on or between March 21, 2018 through April 20, 2018 in Bladen County the defendant named above unlawfully, willfully and feloniously did take into her possession for return to the Bladen County Board of Elections the absentee ballot of a voter, including, but not limited to, voters Leonard H. Kinlaw, Patricia Ann Hyatt, Lori Ann Carmona and Jerry Wayne Dove. Defendant was neither the voters' near relative nor the voters' verifiable legal guardian. This act was done in violation of N.C.G.S. 163A-1298(5) (fmr 163-226.3).


N. Lorrin Freeman
District Attorney

X

Agent Faircloth, NCSBI
Witness


The witnesses marked "X" were sworn by the undersigned Foreman of the Grand Jury and, after hearing testimony, this bill was found to be:

X **A TRUE BILL** by twelve or more grand jurors, and I the undersigned Foreman of the Grand Jury, attest the concurrence of twelve or more grand jurors in this Bill of Indictment.

____ **NOT A TRUE BILL.**

FEB 26 2019

Date


Grand Jury Foreman

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

In re:

SEARCH WARRANTS AND)
RELATED DOCUMENTS SEALED IN)
CONNECTION WITH THE)
INVESTIGATION SBI CASE: 2018-)
00619.)
)

ORDER

THIS CAUSE came before the undersigned on an Unopposed Motion for Leave to Intervene and to Vacate or Modify Sealed Search Warrants and Attendant Court Records filed by Raycom Media Licensee, LLC d/b/a WBTV and WECT; Capitol Broadcasting Company, Incorporated d/b/a WRAL-TV; The News and Observer Publishing Company ("N&O") d/b/a *The News & Observer*; The Charlotte Observer Publishing Company d/b/a *The Charlotte Observer*; The Associated Press; Nexstar Broadcasting, Inc. d/b/a WNCN-TV CBS17; WTVD Television LLC; WUNC, LLC; WSOC Television, LLC; The New York Times; the *Tabor-Loris Tribune*; *The Washington Post*; and Spectrum NLP, LLC (the "Motion").

Having reviewed the Motion, its arguments and the positions of the District Attorney and counsel for McCrae Dowless reflected therein, the Court finds that:

☐ The reasons justifying the sealing orders persist, and the Motion IS DENIED.

☐ The arguments in favor of public access outweigh the need for sealing, and the Motion IS GRANTED. The public immediately shall have access to the search warrants and all related documents, including but not limited to the application(s)



for the warrants; any affidavits supporting the application(s); documents listing all items seized pursuant to the warrant(s); any motion(s) to seal records or proceedings in this matter; and transcripts of any hearing related to the search warrants or sealing of the search warrants.

SO ORDERED, this the ____ day of March, 2019.

Super Court Judge Presiding

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Order was served by electronic mail and via the U.S. postal service, postage prepaid, to the party listed below:

N. Lorrin Freeman
Wake County District Attorney
300 S. Salisbury Street
Raleigh, North Carolina 27601

Cynthia Adams Singletary
Law Office of Cynthia Adams Singletary
PO Box 936
Elizabethtown, NC 28337

This the ____ day of March, 2019

Michael J. Tadych